

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

KELLOGG COMPANY

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Petitioner/Cross-Respondent

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* Nos. 15-2031

v.

* 15-2183

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NATIONAL LABOR RELATIONS BOARD

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Respondent/Cross-Petitioner

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* Board Case No.

* 15-CA-115259

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BAKERY, CONFECTIONARY, TOBACCO
WORKERS, AND GRAIN MILLERS

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INTERNATIONAL UNION, AFL-CIO, CFC;

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BAKERY, CONFECTIONARY, TOBACCO
WORKERS, AND GRAIN MILLERS

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LOCAL UNION 252-G

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Intervenors

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JUDGMENT

Before: SILER, BATCHELDER, and GIBBONS, Circuit Judges.

THIS CAUSE came to be heard upon a petition filed by the Kellogg Company to review an Order of the National Labor Relations Board dated May 7, 2015, in Case No. 15-CA-115259, reported at 362 NLRB No. 86, and upon a cross-application for enforcement filed by the National Labor Relations Board to enforce said Order. The Court heard argument of the parties and has considered the briefs and agency record filed in this cause. On October 26, 2016, the Court, being fully advised in the premises, handed down its opinion granting in part the petition of the Kellogg Company and granting in part the Board's cross-petition for enforcement. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that the Kellogg Company, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

ENTERED BY ORDER OF THE COURT

Clerk

NATIONAL LABOR RELATIONS BOARD

v.

KELLOGG COMPANY

ORDER

Kellogg Company, Memphis, Tennessee, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Failing and refusing to provide Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 252-G (the Union) with information it requests that is necessary and relevant to the performance of its role as the collective-bargaining representative of the unit employees.
 - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Timely furnish the Union with the information about job bidding that it requested on October 10, 2013.
 - (b) Within 14 days after service by the Region, post at its facility in Memphis, Tennessee, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 15, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate

and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since October 10, 2013.

- (c) Within 21 days after service by the Region, file with the Regional Director for Region 15 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist any union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to provide Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 252-G (the Union) with information it requests that is necessary and relevant to the performance of its role as the collective-bargaining representative of our employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of the rights listed above.

WE WILL provide to the Union the relevant information regarding job bidding that it requested on October 10, 2013.

KELLOGG COMPANY

UNITED STATES COURT OF APPEALS
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NATIONAL LABOR RELATIONS BOARD

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BAKERY, CONFECTIONARY, TOBACCO
WORKERS, AND GRAIN MILLERS
INTERNATIONAL UNION, AFL-CIO, CFC;
BAKERY, CONFECTIONARY, TOBACCO
WORKERS, AND GRAIN MILLERS
LOCAL UNION 252-G

Intervenors

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15-2183

Board Case No.
15-CA-115259

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2016, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570

Dated at Washington, DC
this 9th day of November, 2016



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

November 9, 2016

Clerk, United States Court of
Appeals for the Sixth Circuit
532 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202-3988

Re: *Case No. 15-2031, Kellogg Co. v. NLRB*

Dear Clerk:

On October 26, 2016, the Court handed down its amended opinion granting Kellogg's petition in part and granting in part the Board's cross-application for enforcement. Pursuant to Rule 19 of the Federal Rules of Appellate Procedure, I am filing the Board's Proposed Judgment in the above entitled manner. A certificate of service is enclosed.

/s/ Linda Dreeben

Linda Dreeben

Deputy Associate General Counsel

National Labor Relations Board

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Washington, DC 20570

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